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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF (PSG)

**CISCO SYSTEMS, INC.'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL CONFIDENTIAL
INFORMATION IN CISCO SYSTEMS,
INC.'S MOTION FOR PROTECTIVE
ORDER**

DEMAND FOR JURY TRIAL

Pursuant to Civil Local Rules 7-11 and 79-5, Cisco Systems, Inc. (“Cisco”) hereby brings this administrative motion for an order to seal certain information filed in connection with Cisco’s Motion for Protective Order.

REQUESTED RELIEF

Cisco requests an order granting its motion to seal the following documents:

Document	Portions to Be Filed Under Seal
Cisco’s Motion for Protective Order	Highlighted portions of pages 4, 8-12.
Declaration of John Chambers in Support of Cisco’s Motion for Protective Order	Highlighted portions of paragraphs 5, 6 and 7.
Exhibit 7 to the Declaration of Sara E. Jenkins in Support of Cisco’s Motion for Protective Order (“Exhibit 7”)	Highlighted portions of email.
Exhibit 11 to the Declaration of Sara E. Jenkins in Support of Cisco’s Motion for Protective Order (“Exhibit 11”)	Entire
Exhibit 12 to the Declaration of Sara E. Jenkins in Support of Cisco’s Motion for Protective Order (“Exhibit 12”)	Entire
Exhibit 13 to the Declaration of Sara E. Jenkins in Support of Cisco’s Motion for Protective Order (“Exhibit 13”)	Entire

Document	Portions to Be Filed Under Seal
Exhibit 14 to the Declaration of Sara E. Jenkins in Support of Cisco's Motion for Protective Order ("Exhibit 14")	Entire
Exhibit 15 to the Declaration of Sara E. Jenkins in Support of Cisco's Motion for Protective Order ("Exhibit 15")	Entire
Exhibit 16 to the Declaration of Sara E. Jenkins in Support of Cisco's Motion for Protective Order ("Exhibit 16")	Entire
Exhibit 18 to the Declaration of Sara E. Jenkins in Support of Cisco's Motion for Protective Order ("Exhibit 18")	Entire (Confidentiality claimed by both Cisco and Arista Networks, Inc. ("Arista"),)

Cisco has established good cause to permit filing these documents under seal through the Declaration of Catherine R. Lacey, filed contemporaneously herewith.

I. LEGAL STANDARD

In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a "particularized showing" under the "good cause" standard of Federal Rule of Civil Procedure 26(c). *Kamkana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1138 (9th Cir. 2003)). In addition, Civil Local Rule 79-5 requires that a party seeking sealing "establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled

to protection under the law” (*i.e.*, that the document is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.*

II. GOOD CAUSE EXISTS TO PERMIT FILING UNDER SEAL

Cisco makes this request to seal the documents identified herein for the reasons explained in detail in the Declaration of Catherine R. Lacey in support of this Administrative Motion to File Under Seal (“Lacey Declaration”). Cisco has narrowly tailored its request to seal only confidential information related to its customers, sales, accounts, competitive strategies, pricing, and other related planning and strategies as detailed in the Lacey Declaration. Cisco also files this motion to seal to provide Arista Networks, Inc. the opportunity to file a declaration pursuant to Civil Local Rule 79-5(e) regarding the confidentiality of Exhibit 18, as it has designated this exhibit “Highly Confidential – Outside Attorneys’ Eyes Only” under the Protective Order.

III. CONCLUSION

Concurrently with this Motion, Cisco is filing redacted and highlighted versions of the above-referenced documents indicating the specific portions Cisco requests to seal.

Dated: May 24, 2016

Respectfully submitted,

/s/ Amy H. Candido

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